IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4038 OF 2006

Himanshu @ Hemant Rajendra Bhatt ..Applicant

Versus

The State of Maharashtra ..Respondent

Mr.Subhash Jha, Advocate i/b M/s.Law Global for applicant

Mr. S.S.Pednekar, APP for State

CORAM : S.C.DHARMADHIKARI,J.

DATE : 22ND NOVEMBER, 2006

P.C.:

1. The applicant is an accused in C.R.No.51/2001 which has been registered with GBCB CID (Economic Offence Wing) Mumbai alleging offences punishable under Sections 409, 420, 465, 467, 468, 471 read with 120B of IPC.

2. The applicant has been arrested on 25.10.2006 and currently lodged in custody.

3. Mr.Jha appearing for the applicant submits that C.R. is of 2001. He submits that the investigations are complete and one can never imagine that five years are needed for the prosecution to seek arrest of the applicant. He submits that the applicant was always available. On the own showing of the prosecution, it is clear that there are other cases pending against applicant in which he is enlarged on bail.

4. The prosecution has filed an affidavit of the Investigating Officer Mr.Mohan U. Thakur. He has pointed out that the applicant has played an active role in procuring the Letter of Credit facility and thereafter assisted others in utilising the same and taking away the proceeds. In the present C.R. the amount is involved to the tune of Rs.30 lakhs.

5. While not disputing that the co-accused have been enlarged on bail, Mr. Pednekar submits that the applicant has criminal antecedents. There are four C.Rs registered against him alleging identical offences. This is a modus operandi adopted in all cases by persons like applicant.

6. Mr. Pednekar after taking instructions makes a

statement that the applicant has been arrested in this case but in other cases he has been enlarged on bail, so also the co-accused have been enlarged on bail. He does not dispute that the charge-sheet is filed after investigation is complete.

7. The applicant is ready to abide by stringent conditions. Further, prima facie, his role in the said crime is of introducing Narendra Fatkare (witness) to Mohan Kamble of Bank of India Alibag. Thus, all that the applicant has done in the instant case is to assist the employee of the arrested accused Shri V. Hariharan, Mohan Kamble and thereafter Narendra Fatkare to hand over documents pertaining to letter of credit and other documents regarding the facility to the bank officers. In these circumstances, the following order would subserve the ends of justice.

O R D E R :

(i) The applicant is arrested in connection with C.R.No.51 of 2006 registered with GBCB, CID, (EOW) Mumbai shall be enlarged in the sum of Rs.50,000/= with one or two local sureties in the

like amount.

(ii) The applicant shall report to GBCB CID, (EOW) Mumbai once in a week till the charge is filed and thereafter as per the directions of the trial court.

(iii) The applicant shall deposit his passport forthwith with the GBCB, CID, (EOW), Mumbai and shall not leave Mumbai without seeking prior permission of the trial court. Deposit of passport is condition precedent for release of applicant on bail;

(iv) The applicant shall furnish his address to the Investigating Officer where he proposes to reside after bail and during pendency of the trial. The applicant shall not change his residence without prior permission of the Investigation Agency;

(v) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any

prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(vi) The applicant shall cooperate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(vii) Any observation/s made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(ix) Application is disposed of in above terms.

(S.C.Dharmadhikari, J.)